

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

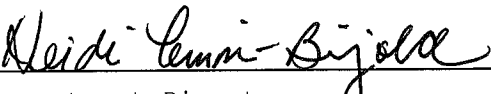
12-0334R

RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY RELATING TO A DEED GRANT FOR THE CONSTRUCTION OF INFRASTRUCTURE AT THE ATLAS INDUSTRIAL PARK SITE.

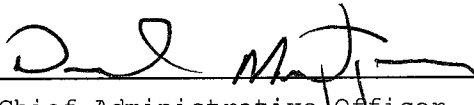
CITY PROPOSAL:

RESOLVED, that the city council hereby authorizes the proper city officials to enter into a cooperative agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. _____, with the Duluth Economic Development Authority pertaining to a DEED grant for certain expenses relating to construction of infrastructure at the Atlas Industrial Park Site in the amount of \$500,000, said funds to be paid from Fund 255-020-5434 (Economic Development Fund, Planning, Grants & Awards.)


Approved:


Department Director

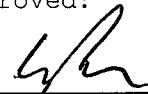
Approved for presentation to council:


Chief Administrative Officer

Approved as to form:


Attorney

Approved:


Auditor

BB/ATTY JMC:cjk 6/25/2012

STATEMENT OF PURPOSE: In 2010, the City applied to and was awarded an Infrastructure grant by DEED in the amount of \$500,000 to pay for a portion of street and utility construction at the Atlas Industrial Park. The infrastructure construction will be implemented concurrent with contamination clean-up beginning next month. DEDA, as the property owner has selected a contractor to perform both the infrastructure construction and clean-up. This resolution authorizes a Cooperative Agreement with DEDA in which the City agrees to reimburse DEDA for construction costs in the amount of \$500,000 from DEED grant proceeds and DEDA agrees to comply with the requirements of the DEED grant.

**COOPERATIVE AGREEMENT BETWEEN
THE CITY OF DULUTH AND THE DULUTH
ECONOMIC DEVELOPMENT AUTHORITY
REGARDING THE ATLAS INDUSTRIAL PARK**

(DEED GRANT #BDPI-10-0002-O-FY10)

This Agreement is made by and between the City of Duluth (the “City”) and the Duluth Economic Development Authority (“DEDA”).

RECITALS:

- A. DEDA owns certain property at the Atlas Industrial Park site (the “Site”).
- B. The City applied for and was awarded a Minnesota Department of Employment and Economic Development (DEED) Greater Minnesota Business Development Public Infrastructure Grant Program General Obligation Bond Proceeds Construction Grant for the Duluth BDPI Industrial Park Project and entered into a Grant Agreement therefor, (Grant BDPI-10-0002-O-FY10, effective as of March 10, 2010 (the “DEED Grant Agreement”).
- C. The grant proceeds will provide funds for the construction of infrastructure at the Site which will assist in making the Site ready for development.
- D. DEDA will cause the infrastructure improvements to be constructed on the Site under the requirements of the DEED Grant Agreement.
- E. The parties desire to cooperate with each other in order to fulfill the terms and conditions of the DEED Grant Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. The terms defined in the DEED Grant Agreement shall have the same meanings when used herein, unless expressly defined otherwise.
2. DEDA will cause the Qualifying Infrastructure improvements to be constructed and the Real Property and Qualifying Infrastructure to be operated and maintained in accordance with the requirements of the DEED Grant Agreement.
3. DEDA shall submit to the City such documentation required under the DEED Grant Agreement, and the City shall reimburse DEDA in accordance with the procedures set forth in the DEED Grant Agreement for costs of construction of the Qualifying Infrastructure improvements in an amount up to \$500,000 payable from Fund 255, Dept. ____, Rev. Source ____ (____).
4. The parties will otherwise cooperate with each other to fulfill the terms and conditions of the DEED Grant Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date written below.

CITY OF DULUTH

DULUTH ECONOMIC
DEVELOPMENT AUTHORITY

Mayor
Dated: _____

President
Dated: _____

ATTEST:

City Clerk
Dated: _____

Secretary
Dated: _____

Countersigned:

City Auditor

Dated: _____

APPROVED AS TO FORM:

City Attorney

Dated: _____